Professor of Law Mr. Burt Neuborne,
New York University School of Law
40 Washington Square
New York, N. Y. 10012-1099

January 29,2006

Dear Professor Neuborne,

David Mermelstein, Alex Moskovic and Jack Rubin survivors, read the article from the Forward by Nathaniel Popper dated January 13, 2006. The article stated that you have filed an application for fees on December 19, 2005 requesting $4.1 million for 8,178 hours of work since 1999 for the Swiss Bank Settlements.

On September 26, 2005 the three of us were at the Miami Court House as witnesses testifying on the final day of the settlement on the Hungarian Gold Train issue. We listened to your dialogue with Judge Seitz; Mr. Neuborne:" but I would like the record to reflect that I initially- I served without a fee in the Swiss case. I am the lead settlement counsel in the Swiss case, in which I served without a fee now almost seven years. That is 1.2 billion dollar recovery. I was the principal lawyer who put the class together, the theories together, I argued the case, participated in the negotiations, and lead settlement counsel, and received no fees in that case at all."

What made you change your mind between September 26,2005 and December 19, 2005 when you filed the application?

We had no idea that you ceased working pro bono after the settlement of the fund, and if you did why wasn't it disclosed during your dialogue with Judge Seitz on September 26, 2005?

Professor Neuborne you, as the lead settlement counsel in the Swiss case, who have gained respect and prominence for refusing to take any fees, had a change of heart. We the survivors would like a detailed explanation as to why? It seems unconscionable to renege on your promise.

The survivors of the Shoah deserve to know why.

Respectfully,

David Mermelstein,
Alex Moskovic,
Jack Rubin